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PATENT

Attorney Docket No. 033808.137

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No.: 1586

Applicants : Christophe LACROIX, et al.

Serial No. : 09/718,427 Art Unit: 1712

Filed : November 24, 2000 Examiner: Jeffrey Robertson

For : THERMOPLASTIC POLYESTER COMPOSITIONS HAVING  
IMPROVED IMPACT PROPERTIES

**SUBMISSION OF ORIGINAL SIGNED TERMINAL DISCLAIMER****Mail Stop AF**

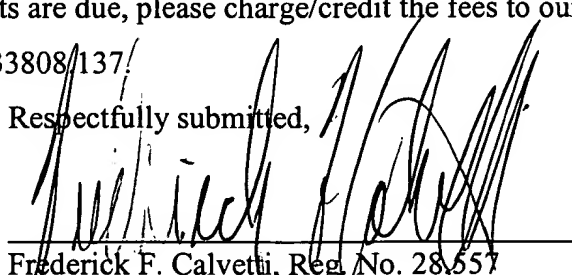
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On April 5, 2006, Applicants filed a Response together with a facsimile copy of a signed Terminal Disclaimer and Statement Under 37 C.F.R. 3.73(b) in response to the final Office Action mailed January 5, 2006 in the above-identified application. Applicants are submitting herewith the *original* signed Terminal Disclaimer and Statement Under 37 C.F.R. 3.73(b) to be placed in the subject file for the above-identified application.

Since the fee of the Terminal Disclaimer, \$130, was originally paid with Response on April 5, 2006, no fee is believed to be necessary. For convenience, appended hereto is a copy of the check in the amount of \$130 originally filed on April 5, 2006. If any additional fees are due in connection with this filing, or if any credits are due, please charge/credit the fees to our Deposit Account No. 02-4300; Order No. 033808/137.

Respectfully submitted,

  
Frederick F. Calvetti, Reg. No. 28,557Date: June 2, 2006

Smith, Gambrell & Russell, LLP  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4300  
Facsimile: (202) 263-4329

Enclosures: (1) original signed Terminal Disclaimer and Statement Under 37 C.F.R. 3.73(b)

SGRDC254831.1

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
033808.137

In re Application of: Lacroix, et al.

Application No. 09/718,427

Filed: November 24, 2000

For: THERMOPLASTIC POLYESTER COMPOSITIONS HAVING IMPROVED IMPACT PROPERTIES

The owner\*, Atofina, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,809,151 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record. Reg. No. \_\_\_\_\_

Signature

Date

Jean-Yves TARTAIK

Typed or printed name

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

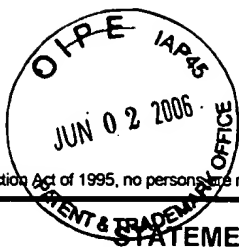
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Lacroix, et al.Application No./Patent No.: 09/718,427Filed/Issue Date: November 24, 2000Entitled: THERMOPLASTIC POLYESTER COMPOSITIONS HAVING IMPROVED IMPACT PROPERTIESATOFINA, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011747, Frame 0037, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
SignatureJean-Yves TARTAI

Printed or Typed Name

April 3, 2006  
Date

Telephone Number

Authorized Representative

Title

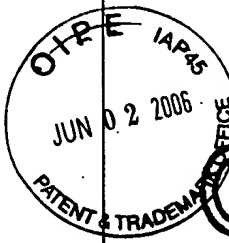
This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SMITH, GAMBRELL & RUSSELL, LLP

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

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